

12:12PM

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSEPH BONGIOVANNI,

Defendant.

Case No. 1:19-cr-227
(LJV)

March 7, 2024

TRANSCRIPT EXCERPT - TESTIMONY OF JOHN McDONALD
BEFORE THE HONORABLE LAWRENCE J. VILARDO
UNITED STATES DISTRICT JUDGE

APPEARANCES:

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And

UNITED STATES DEPARTMENT OF JUSTICE
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For the Defendant

PRESENT:

BRIAN A. BURNS, FBI Special Agent
MARILYN K. HALLIDAY, HSI Special Agent
KAREN A. CHAMPOUX, USA Paralegal

LAW CLERK: REBECCA FABIAN IZZO, ESQ.

COURT DEPUTY CLERK: COLLEEN M. DEMMA

COURT REPORTER: ANN MEISSNER SAWYER, FCRR, RPR, CRR
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* * * * *

(Excerpt commenced at 3:12 p.m.)

(Jury present.)

THE COURT: The government can call its next witness.

MR. COOPER: Thank you, Your Honor. The government
calls John McDonald.

J O H N M c D O N A L D, after being duly called and sworn,
testified as follows:

MR. COOPER: May I inquire, Judge?

THE COURT: You may.

DIRECT EXAMINATION BY MR. COOPER:

Q. Good afternoon, John. How are you?

A. Good. How are you?

Q. Well, thanks. I'm going to ask you to speak right into
that microphone in front of you so that everybody can hear
you, okay?

03:13PM

1 A. Yes.

03:13PM

2 Q. Where did you grow up, John?

03:13PM

3 A. Lockport, Buffalo, 716 area.

03:13PM

4 Q. Okay. And how far did you go in school?

03:13PM

5 A. I got my GED.

03:13PM

6 Q. What's that?

03:13PM

7 A. I got my GED.

03:13PM

8 Q. Your GED?

03:13PM

9 A. Yes.

03:13PM

10 Q. Did you go to some different high schools in the Western
11 New York area?

03:14PM

12 A. Yeah.

03:14PM

13 Q. Where did you go to high school?

03:14PM

14 A. Starpoint. Lockport.

03:14PM

15 Q. Is that where you got your GED from?

03:14PM

16 A. Nah, I went to Job Corps and got my GED.

03:14PM

17 Q. Got it. During the course of your life, John, have you
18 struggled with drug use?

03:14PM

19 A. Yes.

03:14PM

20 Q. And when did that begin for you?

03:14PM

21 A. A young age, 18, 19.

03:14PM

22 Q. What kind of drugs did you struggle with?

03:14PM

23 A. Cocaine, marijuana.

03:14PM

24 Q. What would you say was the main problem for you?

03:14PM

25 A. Cocaine.

Q. Okay. Are there times in your life when you've used cocaine excessively?

A. Yes.

Q. Are there times in your life where you've dealt cocaine?

A. Yes.

Q. Did there come a time in around February of 2019 when you got arrested by federal law enforcement with res -- in relation to your drug trafficking?

A. Yes.

Q. Okay. What kind of drugs were you selling, John?

A. Cocaine.

Q. Okay. I'm going to show you what's marked for identification as Government Exhibit 3649L, as in Lima.

MR. COOPER: May I approach, Judge?

THE COURT: Yes, you may.

MR. COOPER: Thank you.

BY MR. COOPER:

Q. John, just take a moment, don't read it out loud, but look through that document and let me know when you're finished.

A. That's my plea agreement.

MR. COOPER: Okay. May I approach, Judge?

THE COURT: Sure.

MR. COOPER: Thank you.

[illegible]

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BY MR. COOPER:

Q. What is that document, John?

A. It's my plea agreement.

Q. Okay. Did you plead guilty to possessing with intent to distribute cocaine?

A. Yes.

Q. Okay. As a part of that plea agreement, did you enter into what's called a cooperation agreement with the government?

A. Yes.

Q. Okay. And is it your understanding of that cooperation agreement that you're hoping for some benefit at the time of your sentencing?

A. Yeah, I got a four point downward departure.

Q. Okay. Have you heard of something called the sentencing guidelines?

A. Yes.

Q. Did you talk with your attorney about that?

A. Yes.

Q. Okay. And are you hoping for a reduction in your sentencing guidelines?

A. Yes.

Q. Okay. In exchange for that, does it require that you provide truthful testimony when called upon by the government?

03:16PM

1 A. Yes.

03:16PM

2 Q. Did you want to be here today?

03:16PM

3 A. Absolutely not.

03:16PM

4 Q. Are you excited about it?

03:16PM

5 A. No.

03:16PM

6 Q. I want to direct your attention now to this time in your

03:16PM

7 life around 2018, the year before you were charged, okay?

03:16PM

8 A. Yep.

03:16PM

9 Q. Were you working that time in your life?

03:16PM

10 A. Yes.

03:16PM

11 Q. What kind of work did you do?

03:16PM

12 A. Roofing, construction.

03:16PM

13 Q. Is there a busier time of year for roofing and

03:16PM

14 construction?

03:16PM

15 A. Yeah, summertime.

03:16PM

16 Q. Okay. So let's talk about the fall into the wintertime

03:16PM

17 of 2018. Were you using drugs at that time in your life?

03:16PM

18 A. Yes, heavily.

03:16PM

19 Q. Okay. And what kind of drugs were you heavily using at

03:16PM

20 that time?

03:16PM

21 A. Cocaine.

03:16PM

22 Q. Did that get expensive?

03:16PM

23 A. Yes.

03:16PM

24 Q. Were you selling cocaine at that time?

03:16PM

25 A. Yes.

03:16PM 1 Q. Do you know an individual by the name of Michael Sinatra?

03:16PM 2 A. Yes.

03:16PM 3 Q. Okay. Can you tell the jury how you know that person?

03:17PM 4 A. I live with his ex roommate. I live with his ex -- his

03:17PM 5 old roommate became my roommate around the time. We lived

03:17PM 6 together from like 2015 to 2018.

03:17PM 7 Q. Okay. And so did you have some mutual friends?

03:17PM 8 A. Yes.

03:17PM 9 Q. Okay. Other than just having that mutual roommate in

03:17PM 10 common, had you socialized with Michael Sinatra before?

03:17PM 11 A. Yeah, we would see each other all the time downtown on

03:17PM 12 the Chippewa, at the strip clubs, everywhere.

03:17PM 13 Q. Okay. Did you go out a lot at that time?

03:17PM 14 A. Yes.

03:17PM 15 Q. Did you party?

03:17PM 16 A. Yes.

03:17PM 17 Q. Did you use a lot of cocaine?

03:17PM 18 A. Absolutely.

03:17PM 19 Q. Did you go to a lot of strip clubs?

03:17PM 20 A. Yes.

03:17PM 21 Q. Did you go to a lot of bars?

03:17PM 22 A. Yes.

03:17PM 23 Q. Did you see Michael Sinatra out a lot?

03:17PM 24 A. Yes.

03:17PM 25 Q. Was he doing the same stuff you were doing?

03:17PM

1 A. Yes.

03:17PM

2 Q. Did you interact with him socially quite a bit?

03:17PM

3 A. Yes.

03:17PM

4 Q. Did you know Michael Sinatra to be involved in drugs?

03:17PM

5 A. Yes.

03:17PM

6 Q. What drugs?

03:17PM

7 A. Marijuana and cocaine.

03:17PM

8 Q. Okay. How did you know he was involved in that?

03:17PM

9 A. Because I've seen his basement full of marijuana plants.

03:17PM

10 Q. Okay. And we're gonna get there in just a minute. Did
11 you know him to sell marijuana, though?

03:17PM

12 A. Yes.

03:17PM

13 Q. Okay. Did you hear him talk about it?

03:18PM

14 A. Yes.

03:18PM

15 Q. In late 2018, did you know where Michael Sinatra lived?

03:18PM

16 A. Yes.

03:18PM

17 Q. Okay. Where was that?

03:18PM

18 A. On Colvin Ave. in Tonawanda. I don't know the exact
19 address.

03:18PM

20 Q. Is the street is called Colvin Ave.?

03:18PM

21 A. Yes.

03:18PM

22 Q. And in the Town of Tonawanda?

03:18PM

23 A. Yes.

03:18PM

24 Q. How do you know that's where Michael Sinatra was living
25 in late 2018?

03:18PM 1 A. Because I lived down the street on Ellicott Creek, and
03:18PM 2 I've been to his house many times.

03:18PM 3 Q. Can you estimate about how many times you think you've
03:18PM 4 been to Michael Sinatra's house?

03:18PM 5 A. Couple dozen. Like, I wasn't keeping count over the
03:18PM 6 years.

03:18PM 7 Q. Okay. During the times that you've been at Michael
03:18PM 8 Sinatra's house, what were you there for?

03:18PM 9 A. Like I said, I live with his old roommate. So if he was
03:18PM 10 out of town, we'd go there, let the dogs out. You know, I
03:18PM 11 mean, stop there, pregame before we went downtown. You know,
03:18PM 12 just, meet up there every once in a while before we went out.

03:18PM 13 Q. Did you like Michael Sinatra?

03:18PM 14 **MR. MacKAY:** Can I ask the witness to speak into the
03:19PM 15 microphone a little more because he's fading in and out.

03:19PM 16 **THE COURT:** Thank you. Go ahead.

03:19PM 17 **MR. COOPER:** You can move that closer to you if you
03:19PM 18 want. Yeah, there you go.

03:19PM 19 **BY MR. COOPER:**

03:19PM 20 Q. You just described different times that you've been at
03:19PM 21 Michael Sinatra's house and for different reasons. Sometimes
03:19PM 22 when you were at his house, was he there?

03:19PM 23 A. Yes.

03:19PM 24 Q. And you said pregameing. Is that, like, drinking or using
03:19PM 25 before you go out?

03:19PM

1 A. Yes.

03:19PM

2 Q. Would you drink with him?

03:19PM

3 A. Yes.

03:19PM

4 Q. Would you use drugs with him?

03:19PM

5 A. Yes.

03:19PM

6 Q. Did you like Michael Sinatra?

03:19PM

7 A. No, not at all.

03:19PM

8 Q. Why did you hang out with him then?

03:19PM

9 A. He was just -- he was just, like, he was in the group,

03:19PM

10 you know what I mean? He was part of, like, the friend

03:19PM

11 group. You know what I'm saying? He had his little clique,

03:19PM

12 and I had my little clique, but we all hung out at the same

03:19PM

13 places, and we had mutual friends that kind of brought us

03:19PM

14 together.

03:19PM

15 Q. Okay. But you didn't like him?

03:19PM

16 A. No.

03:19PM

17 Q. During those times when you were at his house, had you

03:19PM

18 ever been in his basement before?

03:19PM

19 A. Yes.

03:19PM

20 Q. Once, or more than once?

03:19PM

21 A. More than once.

03:19PM

22 Q. Okay. And is that around that same time frame of 2018 or

03:19PM

23 is it before then?

03:19PM

24 A. No, it would be before then. It would be between like

03:19PM

25 '15 and '17.

03:19PM 1 Q. Okay. So like let's say between '15 and '17 when you
03:20PM 2 were in Michael Sinatra's basement, can you tell the jury
03:20PM 3 what you would observe down there?

03:20PM 4 A. Yeah, it was full of marijuana plants. He was growing
03:20PM 5 marijuana.

03:20PM 6 Q. Okay. Are we talking about one or two plants?

03:20PM 7 A. A couple dozens. Around 30, maybe. I really didn't
03:20PM 8 count.

03:20PM 9 Q. Okay. When you say it's like a marijuana grow operation,
03:20PM 10 is it just the plants, or is there things related to the
03:20PM 11 marijuana grow?

03:20PM 12 A. No, there's other things.

03:20PM 13 Q. Okay. And so, John, is this your first time testifying
03:20PM 14 before?

03:20PM 15 A. No.

03:20PM 16 Q. So Ann types down everything we say, so if you can wait
03:20PM 17 for me to finish my question all the way before you answer,
03:20PM 18 that way she can type it all down. Okay?

03:20PM 19 A. Yes.

03:20PM 20 Q. Thank you very much. I break that rule all the time, so.
03:20PM 21 Did you see those marijuana plants in Michael Sinatra's
03:20PM 22 basement more than once?

03:20PM 23 A. Yes.

03:20PM 24 Q. Was it known to you that he was a marijuana dealer?

03:20PM 25 A. Yes.

03:20PM 1 Q. Was it --

03:20PM 2 A. Yes.

03:20PM 3 Q. Do you have an opinion about his reputation in the

03:21PM 4 community for selling marijuana?

03:21PM 5 A. Yeah. It's common knowledge, everyone knows he sold

03:21PM 6 marijuana.

03:21PM 7 Q. Okay. Do you know a person by the name of Ronald Rowles?

03:21PM 8 A. Yes.

03:21PM 9 Q. How do you know Ronald Rowles?

03:21PM 10 A. He was my best friend for a long time. We've known each

03:21PM 11 other about 25, 30 years.

03:21PM 12 Q. Okay. Did you know him when you were kids?

03:21PM 13 A. Yes.

03:21PM 14 Q. Did you grow up together?

03:21PM 15 A. Yes.

03:21PM 16 Q. Would it be fair to say that there have been times in

03:21PM 17 your life when you were really close with Rowles?

03:21PM 18 A. Yes.

03:21PM 19 Q. And were there times where you didn't see each other as

03:21PM 20 often.

03:21PM 21 A. Yes.

03:21PM 22 Q. Around that time frame of late 2018, were you close with

03:21PM 23 Rowles?

03:21PM 24 A. Yeah, we were living together.

03:21PM 25 Q. Okay. And where were you living together at?

03:21PM 1 A. In Lewiston.

03:21PM 2 Q. What was that address?

03:21PM 3 A. In Lewiston? Oh, 5150 Lewiston Road.

03:21PM 4 Q. Okay. You told us that you were selling cocaine at that

03:21PM 5 time, right?

03:21PM 6 A. Yes.

03:21PM 7 Q. Was Ronald Rowles involved in the same drug distribution

03:21PM 8 that you were?

03:21PM 9 A. Yes.

03:21PM 10 Q. Did you party with him?

03:21PM 11 A. Yes.

03:21PM 12 Q. Did you go out socially with him a lot?

03:22PM 13 A. Absolutely.

03:22PM 14 Q. Did you know Rowles to know Sinatra?

03:22PM 15 A. Yes.

03:22PM 16 Q. Okay. During the time that you've been around Michael

03:22PM 17 Sinatra in your life, have you ever heard him talk about

03:22PM 18 having large amounts of money?

03:22PM 19 A. Yeah. That's all he did. That's all they did was brag.

03:22PM 20 Q. Okay. Did he talk about having money a lot?

03:22PM 21 A. Yeah.

03:22PM 22 Q. Did that happen more than one time?

03:22PM 23 A. Every time we were together, that's all he did was brag.

03:22PM 24 That's why I didn't like him. He's an asshole.

03:22PM 25 Q. Was there a time when Michael Sinatra made a specific

03:22PM 1 statement to you about how much money he had in his house?

03:22PM 2 A. Yeah. He said he had a hundred thousand to buy as much

03:22PM 3 weed as I had.

03:22PM 4 Q. When he said that, what did you think, John?

03:22PM 5 A. I started plotting immediately in how to rob him.

03:22PM 6 Q. Okay. You know that's the wrong thing to do, right?

03:22PM 7 A. Yeah.

03:22PM 8 Q. You did it anyway?

03:22PM 9 A. Yeah.

03:22PM 10 Q. Okay.

03:22PM 11 A. I mean, you sell drugs, you weren't supposed to call the

03:22PM 12 cops.

03:22PM 13 Q. Where were you when you heard Michael Sinatra brag about

03:22PM 14 having over \$100,000 in cash to buy any amount of weed he

03:23PM 15 wanted?

03:23PM 16 A. I believe it was at Bambino on Chippewa.

03:23PM 17 Q. Approximately when did that conversation happen when you

03:23PM 18 heard that?

03:23PM 19 A. I'd say summer of 2016, 2017 that happened.

03:23PM 20 Q. Did you -- did you burglarize his house right away?

03:23PM 21 A. No. Like I said, my roommate was his ex roommate, and

03:23PM 22 they were in business together landscaping. And while I

03:23PM 23 lived with him, I wasn't about to mess up his business, you

03:23PM 24 know what I mean? Because once I did eventually do it years

03:23PM 25 later, like, Sinatra cut him out of the business and

03:23PM 1 everything, so --

03:23PM 2 Q. So you're saying you held off on doing the burglary

03:23PM 3 because you didn't want to mess something up for your friend?

03:23PM 4 A. Yes.

03:23PM 5 Q. Okay. Did you know Michael Sinatra to have a safe in his

03:23PM 6 house?

03:23PM 7 A. Yes.

03:23PM 8 Q. How did you know that?

03:23PM 9 A. I seen it.

03:23PM 10 Q. When did you see it?

03:23PM 11 A. When you walk in his house, his bedroom is right off the

03:23PM 12 kitchen. And if his closet door is open, you can see the

03:23PM 13 safe from the kitchen.

03:23PM 14 Q. Did that knowledge of where the safe was factor into your

03:23PM 15 plan?

03:23PM 16 A. Yes.

03:23PM 17 Q. All right. Did there come a time in December of 2018

03:24PM 18 when you decided to put that plan into action?

03:24PM 19 A. Yeah.

03:24PM 20 Q. Whose idea was it?

03:24PM 21 A. Mine.

03:24PM 22 Q. Did you talk to anyone about it?

03:24PM 23 A. Yeah. Me and Ron had a discussion about a week prior to

03:24PM 24 doing it.

03:24PM 25 Q. Okay.

03:24PM 1 A. I told him when I wanted to do it and how.

03:24PM 2 Q. Is Ronald the same person, Rowles, that we've been
03:24PM 3 talking about?

03:24PM 4 A. Yes.

03:24PM 5 Q. Okay. When you brought it up to Ronald Rowles, what was
03:24PM 6 his reaction?

03:24PM 7 A. He was with it.

03:24PM 8 Q. Does that mean he agreed?

03:24PM 9 A. Yes.

03:24PM 10 Q. I'm gonna ask you about the actual event in a moment, but
03:24PM 11 first I want to talk about your plan.

03:24PM 12 Can you tell the jury what plan you came up with to break
03:24PM 13 into Michael Sinatra's house?

03:24PM 14 A. Yeah, like I said, we used to go to his house, let the
03:24PM 15 dogs out, whatever. And if we didn't have the keys, you
03:24PM 16 could card the door, you know what I mean, use a credit card
03:24PM 17 and open his lock. It was a crappy door. And that's what I
03:24PM 18 planned on doing. But it didn't work that way.

03:24PM 19 Q. So you said you planned on carding the door?

03:24PM 20 A. Yes.

03:24PM 21 Q. Does that mean you can open the lock using a credit card.

03:25PM 22 A. Yeah.

03:25PM 23 Q. Kind of jiggle it in there?

03:25PM 24 A. Um-hum.

03:25PM 25 Q. Okay. And once you got inside the house, what were you

03:25PM 1 gonna do?

03:25PM 2 A. It was gonna mess it up to make it look like it was, like

03:25PM 3 it was, you know, someone just -- it was random, like they

03:25PM 4 were looking for something. And then take the safe.

03:25PM 5 Q. Were you trying to cover your tracks there?

03:25PM 6 A. Yeah.

03:25PM 7 Q. All right. Did you ultimately carry out this burglary?

03:25PM 8 A. Yeah.

03:25PM 9 Q. What day did that happen on?

03:25PM 10 A. New Year's Eve of 2018.

03:25PM 11 Q. Why did you pick New Year's Eve?

03:25PM 12 A. Because no drug dealer is ever home on New Year's Eve.

03:25PM 13 Q. Okay. Where -- withdrawn.

03:25PM 14 How did you get to Michael Sinatra's house?

03:25PM 15 A. I had Ronald drive me.

03:25PM 16 Q. Do you know what vehicle you were in?

03:25PM 17 A. Yeah, we had a rented Yukon.

03:25PM 18 Q. Is that like an SUV?

03:25PM 19 A. Yeah.

03:25PM 20 Q. Who drove?

03:25PM 21 A. Ron.

03:25PM 22 Q. About what time did you get to Michael Sinatra's house?

03:25PM 23 A. 11. 10:30, 11:00, something like that. At night.

03:25PM 24 Q. You mentioned a moment ago your plan was that he wasn't

03:25PM 25 gonna be home, right?

03:25PM

1 A. Um-hum.

03:26PM

2 Q. When you arrived outside the house, did you think he was
3 home, or not?

03:26PM

03:26PM

4 A. I couldn't tell, because all his vehicles were there, and
5 every light in the house was on.

03:26PM

03:26PM

6 Q. Did that make you a little concerned about your plan?

03:26PM

7 A. No, I was still going through with it whether he was
8 there or not.

03:26PM

03:26PM

9 Q. Okay. What did you do?

03:26PM

10 A. I got out and knocked on the door. And if he was there,
11 my plan was just to ask him if he had a bag of weed I could
12 buy. I was on my way out to the club and I forgot my stuff,
13 and didn't want to go back to the Falls.

03:26PM

03:26PM

14 Q. Did you knock on the door?

03:26PM

15 A. Yeah, no one answered.

03:26PM

16 Q. What did you do at that point?

03:26PM

17 A. I tried to card the door.

03:26PM

18 Q. Did that work?

03:26PM

19 A. No, he put a new door on.

03:26PM

20 Q. Could you see that it was a new door when you got there?

03:26PM

21 A. Yeah.

03:26PM

22 Q. Was it a little more sturdy than the old door?

03:26PM

23 A. Yeah.

03:26PM

24 Q. What'd you do?

03:26PM

25 A. Oh, there was a chunk of 4x4, a piece of wood, laying in

03:26PM 1 the driveway and I smashed the window.

03:26PM 2 Q. You smashed a window?

03:26PM 3 A. Yeah, of the door.

03:26PM 4 Q. Okay. So is the window, like, a part of the physical
03:26PM 5 door?

03:26PM 6 A. Yes.

03:26PM 7 Q. Okay. And when you broke the window on the door, what
03:26PM 8 did you do next?

03:26PM 9 A. I reached in and unlocked the dead bolt.

03:26PM 10 Q. Okay. Once the dead bolt was unlocked, what did you do
03:27PM 11 then?

03:27PM 12 A. To gain entry, went in the kitchen, started pulling
03:27PM 13 everything out the cupboards, started slamming it on the
03:27PM 14 floor. Went into the bedroom, picked up the safe, and walked
03:27PM 15 out. Threw it in the back of the SUV and drove away.

03:27PM 16 Q. Was the safe heavy?

03:27PM 17 A. Yes.

03:27PM 18 Q. Did it you carry it by yourself?

03:27PM 19 A. Yes.

03:27PM 20 Q. About how long do you think you were inside Michael
03:27PM 21 Sinatra's house?

03:27PM 22 A. 60, 90 seconds. Took me longer to get in than I was in
03:27PM 23 there.

03:27PM 24 Q. You mentioned that you put the safe in the SUV, and then
03:27PM 25 you drove away; is that correct?

03:27PM 1 A. Yes.

03:27PM 2 Q. Okay. Where'd you go?

03:27PM 3 A. Some guy's house with a bunch of tools. I can't remember
03:27PM 4 his name or anything. It was someone that Ronald had a
03:27PM 5 connection to. And he had a bunch of tools.

03:27PM 6 The plan was to get up and get a safe -- or, get a safe,
03:27PM 7 get the sledgehammer to open the safe, like, earlier in the
03:27PM 8 day, but I slept all day, and it's 11:00 at night, I couldn't
03:27PM 9 buy a sledgehammer. So we just came up with that guy on the
03:27PM 10 fly, stopped, hit his garage, and opened it.

03:28PM 11 Q. Let's break that down a little bit.

03:28PM 12 Before the burglary happens, was it your plan to buy
03:28PM 13 tools to open the safe the day of?

03:28PM 14 A. Yeah.

03:28PM 15 Q. Okay. Did you oversleep and forget to do that?

03:28PM 16 A. Yes.

03:28PM 17 Q. Once you had the safe in the back of the truck, did you
03:28PM 18 have a way to open it?

03:28PM 19 A. No.

03:28PM 20 Q. What did you do?

03:28PM 21 A. Drove to someone with a bunch of tools in their garage.

03:28PM 22 Q. Okay. Was that a person who Rowles sold drugs to?

03:28PM 23 A. Yes.

03:28PM 24 Q. Okay. And when you arrived at that person's house,
03:28PM 25 describe for the jury what happened.

03:28PM 1 A. I carried the safe out into the garage, and Rowles went
03:28PM 2 in the house with the guy.

03:28PM 3 And I took a grinder to the safe, and hit the hinges.
03:28PM 4 And then I grabbed a sledgehammer and smashed it about four
03:28PM 5 times.

03:28PM 6 And on the fourth swing, the door came in -- caved in,
03:28PM 7 and the sledgehammer went in there. And on my pullback, he
03:28PM 8 had a big bag of cocaine in there, and it caught the ripped
03:28PM 9 metal. And the cocaine went flying through the air. And it
03:28PM 10 was a mess of money and cocaine.

03:28PM 11 Q. So you're in a -- in a drug user's garage, right?

03:29PM 12 A. Yes.

03:29PM 13 Q. And you said you took a grinder to the -- to the safe?

03:29PM 14 A. Yeah, to the --

03:29PM 15 Q. What part of the safe?

03:29PM 16 A. The hinges.

03:29PM 17 Q. Okay. Why did you grind the hinges?

03:29PM 18 A. Because that's how doors open.

03:29PM 19 Q. Okay. And then you hit it with a sledgehammer?

03:29PM 20 A. Yes.

03:29PM 21 Q. Okay. On the final time that you hit it with a
03:29PM 22 sledgehammer, you described that it caught the bag of
03:29PM 23 cocaine?

03:29PM 24 A. Yeah, as I was pulling the sledgehammer out, because it
03:29PM 25 actually penetrated the safe --

03:29PM 1 Q. Okay.

03:29PM 2 A. -- on accident.

03:29PM 3 Q. What happened when the -- you pulled the sledgehammer out

03:29PM 4 and it pulls the bag of cocaine?

03:29PM 5 A. It caught the sharded metal on the safe, and threw

03:29PM 6 cocaine through the air.

03:29PM 7 Q. Okay. So you're standing there in a cloud of cocaine?

03:29PM 8 A. Yes.

03:29PM 9 Q. How do you know it's cocaine, John?

03:29PM 10 A. I can taste it. And I sell cocaine, and I know what

03:29PM 11 cocaine is.

03:29PM 12 Q. Okay. Was it a gram bag of cocaine inside the safe?

03:29PM 13 A. No, it's probably like a quarter key, 9 ounces, maybe.

03:29PM 14 I'm just guessing.

03:29PM 15 Q. When you say a quarter key, is that a quarter of a kilo?

03:29PM 16 A. Yeah.

03:29PM 17 Q. Okay. And is that equivalent to about 9 ounces?

03:29PM 18 A. Yes.

03:29PM 19 Q. Is that based on your experience in the field of cocaine

03:30PM 20 distribution?

03:30PM 21 A. Yes.

03:30PM 22 Q. The amount of powder in the air?

03:30PM 23 A. Um-hum.

03:30PM 24 Q. Was the cocaine the only thing inside the safe.

03:30PM 25 A. No.

03:30PM 1 Q. Can you tell the jury what else you found inside of
03:30PM 2 Michael Sinatra's safe?

03:30PM 3 A. There was some jewelry, and \$180,000 in cash.

03:30PM 4 Q. What did you do with that?

03:30PM 5 A. What did I do with it?

03:30PM 6 Q. Yeah. You're standing in the garage --

03:30PM 7 A. Oh.

03:30PM 8 Q. -- there's coke everywhere, and you have \$180,000. What
03:30PM 9 happened?

03:30PM 10 A. At that time -- at that time there was -- I noticed a
03:30PM 11 Styrofoam cooler. So I started unloaded the contents of the
03:30PM 12 safe into the cooler. And while I was doing that, Ron and
03:30PM 13 whoever that dude was had walked into the garage. And just
03:30PM 14 as I was putting, like, the last envelope full of money in
03:30PM 15 the cooler, I picked it up to walk out. And the guy was,
03:30PM 16 like, hey, hey, hey don't forget the safe. And I handed him
03:30PM 17 a stack of money, I don't know how much it was, I was like we
03:30PM 18 were never here.

03:30PM 19 And I drove to some projects in the Falls, and I threw
03:30PM 20 the safe in the Dumpster.

03:30PM 21 Q. Do you know how much money you gave the guy whose house
03:30PM 22 you were at?

03:30PM 23 A. No.

03:30PM 24 Q. Did you care at the time?

03:31PM 25 A. Absolutely not.

03:31PM 1 Q. How was that money stored inside the safe?

03:31PM 2 A. In bank envelopes, labeled.

03:31PM 3 Q. Okay. Did you count it immediately in the garage?

03:31PM 4 A. No.

03:31PM 5 Q. Okay. So you just saw, at that moment when you're in the
03:31PM 6 garage, is it fair to say you don't know how much money is in
03:31PM 7 there?

03:31PM 8 A. Correct.

03:31PM 9 Q. Okay. But you take all the contents of the safe and put
03:31PM 10 them in the Styrofoam cooler?

03:31PM 11 A. Yes.

03:31PM 12 Q. After the side trip to Niagara Falls to get rid of the
03:31PM 13 safe, where did you go?

03:31PM 14 A. Back home to Lewiston.

03:31PM 15 Q. Okay. And is that where you were living with Ronald
03:31PM 16 Rowles at the time?

03:31PM 17 A. Yes.

03:31PM 18 Q. Okay. Can you describe what you did when you got back to
03:31PM 19 the house?

03:31PM 20 A. Went in my bedroom and dumped the cooler on my bed, and
03:31PM 21 jumped in the money.

03:31PM 22 Q. How did that night end for you, John?

03:31PM 23 A. Well, it was a couple days, but it ended a few days
03:31PM 24 later.

03:31PM 25 Q. Okay. Let's talk about the night first. So you dumped

03:31PM 1 the money out on the bed. What do you do after that?

03:31PM 2 A. Basically we just grabbed a couple envelopes, we didn't
03:31PM 3 even count it, put it back in the cooler, threw it in the
03:32PM 4 closet and went out to the strip club. And we hit up every
03:32PM 5 strip club in the area, except Pharaoh's, because I'm not
03:32PM 6 allowed in Pharaoh's.

03:32PM 7 Q. Okay. We're going to circle back to Pharaoh's in a
03:32PM 8 little while, but you went out that night with a lot of
03:32PM 9 money. Do you know how much it was?

03:32PM 10 A. 30-, 30- maybe? 20-, 30,000 maybe. I don't know, I
03:32PM 11 didn't count.

03:32PM 12 Q. Did you spend it that night?

03:32PM 13 A. Yeah.

03:32PM 14 Q. Did you use a lot of cocaine?

03:32PM 15 A. Yes.

03:32PM 16 Q. Did you drink a ton?

03:32PM 17 A. Yes.

03:32PM 18 Q. Do you remember everything about the weekend, or
03:32PM 19 whatever, however many days it was?

03:32PM 20 A. No.

03:32PM 21 Q. Did there come a time a few days later where you needed
03:32PM 22 to sleep?

03:32PM 23 A. Yes.

03:32PM 24 Q. Okay. And about when was that?

03:32PM 25 A. January 3rd.

03:32PM 1 Q. Okay. And on January 3rd, where were you at that point
03:32PM 2 where you when you were trying to get some sleep?
03:32PM 3 A. I was home in my room.
03:32PM 4 Q. Okay. What'd you do to try to go to sleep?
03:32PM 5 A. Ate a bunch of Xanax.
03:32PM 6 Q. Okay. Why did you have to eat a bunch of Xanax to try to
03:32PM 7 sleep?
03:32PM 8 A. Up -- up for days sniffing cocaine.
03:32PM 9 Q. Okay. Now at any point during that time, between the
03:32PM 10 time you steal the safe and the time you eat a bunch of Xanax
03:33PM 11 to try to go to sleep, did you learn that people were after
03:33PM 12 you because you took the safe?
03:33PM 13 A. Yeah.
03:33PM 14 Q. Okay. When did that happen?
03:33PM 15 A. Almost immediately, so --
03:33PM 16 Q. Okay. I don't want you to get into what people said, but
03:33PM 17 did you learn that Michael Sinatra suspected you of stealing
03:33PM 18 the safe?
03:33PM 19 A. Yes.
03:33PM 20 Q. Did you learn, yes or no, that Michael Sinatra was
03:33PM 21 looking for you?
03:33PM 22 A. Yes.
03:33PM 23 Q. Yes or no, did you learn that Michael Sinatra had sent
03:33PM 24 other people out looking for you?
03:33PM 25 A. Yes.

03:33PM 1 Q. Did you continue to go on your bender party?

03:33PM 2 A. Yes.

03:33PM 3 Q. Okay. On -- is it January 3rd that that ends?

03:33PM 4 A. Yes.

03:33PM 5 Q. Okay. So you described that you took a bench of Xanax.

03:33PM 6 What happens next?

03:33PM 7 A. I had a female over. She was in bed. I ate the Xanax, I

03:33PM 8 went to sleep. And this other female came in the room, that

03:33PM 9 would stay there quite often, you know what I'm saying. I

03:33PM 10 thought she was just mad I was in bed with some other chick.

03:33PM 11 And she's, like, Tony got pulled over.

03:33PM 12 So? I just went to sleep. I've been up for three days.

03:33PM 13 What the fuck do you want me to do? I don't have a license.

03:33PM 14 I can't go save Tony. Get out of my room.

03:34PM 15 I fell back asleep. I don't know how long it was or

03:34PM 16 whatever.

03:34PM 17 And then eventually the phone's getting smashed off my

03:34PM 18 face, and it's ranting Ronald on the phone. He said, get

03:34PM 19 your shit and get out of the house, we're about to get

03:34PM 20 raided.

03:34PM 21 I said, you're paranoid.

03:34PM 22 And then I looked out the window, and watched the Feds

03:34PM 23 pull in the driveway.

03:34PM 24 Q. So the second person who wakes you up is Rowles; is that

03:34PM 25 correct?

03:34PM 1 A. No, no, it's the same chick, Amber, but Rowles is on the
03:34PM 2 phone.
03:34PM 3 Q. Oh, okay. So Amber is hitting you on the face with the
03:34PM 4 phone?
03:34PM 5 A. Yeah.
03:34PM 6 Q. And Rowles is on the phone?
03:34PM 7 A. Yeah. Saying we're about to get raided.
03:34PM 8 Q. Okay.
03:34PM 9 A. Get up and get out.
03:34PM 10 Q. And what were you wearing at that point?
03:34PM 11 A. Nothing. I was naked.
03:34PM 12 Q. Okay. You said you looked out the window. What did you
03:34PM 13 see out the window?
03:34PM 14 A. I watch the Feds, DEA, whoever it was, pull into my
03:34PM 15 driveway.
03:34PM 16 Q. Okay. Were you high?
03:34PM 17 A. Yeah, extremely.
03:34PM 18 Q. Did you have a bunch of stolen money in your house?
03:34PM 19 A. Yes.
03:34PM 20 Q. Did you want to get caught?
03:34PM 21 A. Absolutely not.
03:34PM 22 Q. What did you do?
03:34PM 23 A. Put on some underwear, put on some boots, grabbed some
03:35PM 24 clothes, put my money in a sock, and ran out the back door.
03:35PM 25 Q. Were there agents waiting for you at the back door?

03:35PM 1 A. No.

03:35PM 2 Q. This is January 3rd, right?

03:35PM 3 A. Yes.

03:35PM 4 Q. Do you remember what the weather was like?

03:35PM 5 A. Oh, about two feet of snow. Cold.

03:35PM 6 Q. Were you able to get away from your house?

03:35PM 7 A. Yeah. I lived at the top of the hill in Lewiston, so

03:35PM 8 there was a golf course in my backyard, so I could just run

03:35PM 9 as soon as I ran out the back door.

03:35PM 10 Q. What did you do when you ran to the golf course or

03:35PM 11 through the golf course?

03:35PM 12 A. I got -- I don't know, I ran for a little bit. I

03:35PM 13 stopped, I dressed, and called a cab and went to a motel.

03:35PM 14 Q. You dressed?

03:35PM 15 A. Yeah, I got dressed.

03:35PM 16 Q. Okay. So were you wearing clothes when you left the

03:35PM 17 house, or did you --

03:35PM 18 A. No, I was carrying them.

03:35PM 19 Q. Okay. And did you call a cab?

03:35PM 20 A. Yeah.

03:35PM 21 Q. Did anybody get in the cab with you?

03:35PM 22 A. Yeah. The chick I was in bed with, she followed me

03:35PM 23 through the whole thing.

03:35PM 24 **MR. COOPER:** Okay. You guys can't laugh.

25

03:37PM 1 and your money gotta get out of my house.

03:37PM 2 Q. Okay. So you had to get out of his house. Where did you
03:37PM 3 decide to go?

03:37PM 4 A. Honestly, I don't remember where I went. It was the next
03:37PM 5 day. I think I went back to my house and packed my clothes.

03:37PM 6 Q. Okay. Did there come a time where you planned a trip
03:37PM 7 outside the confines of New York State?

03:37PM 8 A. Yes.

03:37PM 9 Q. Where were you gonna head?

03:37PM 10 A. Oh, Florida.

03:37PM 11 Q. Okay. Did you have a vehicle to get you there?

03:37PM 12 A. Oh, I had bought a vehicle the morning of January 3rd
03:37PM 13 when we got raided, I was just waiting for the dealership to
03:37PM 14 get it ready.

03:37PM 15 Q. Okay. So when you said you had bought a vehicle that
03:37PM 16 morning, was that with some of the money that you stole?

03:37PM 17 A. Yeah.

03:37PM 18 Q. Okay. What kind of vehicle did you buy?

03:37PM 19 A. 2010 Cadillac CTS.

03:37PM 20 Q. Okay. Did you take that 2010 Cadillac down to Florida?

03:37PM 21 A. Yeah.

03:37PM 22 Q. Who went with you?

03:37PM 23 A. Amber.

03:37PM 24 Q. Did Rowles go down with you, as well?

03:37PM 25 A. No.

03:37PM 1 Q. Okay. When you and Amber get to Florida, what was your
03:37PM 2 plan at that point?

03:37PM 3 A. To just -- I was -- I was -- I was living there, I wasn't
03:38PM 4 coming back to New York. I was gone. I was done. I don't
03:38PM 5 know what her plan was, she was just helping me -- I told her
03:38PM 6 when we get down there, help me find a spot, I'll pay for you
03:38PM 7 to come back. But after I did all that, she didn't want to
03:38PM 8 leave, so --

03:38PM 9 Q. So she stayed with you?

03:38PM 10 A. Yeah.

03:38PM 11 Q. Okay. Did there come a time in February of 2019 when you
03:38PM 12 decided you needed a vacation?

03:38PM 13 A. Yes.

03:38PM 14 Q. Where did you go on vacation, John?

03:38PM 15 A. We went on a cruise. We went all over Mexico, like
03:38PM 16 Cozumel, Belize, Honduras.

03:38PM 17 Q. Did the cruise end eventually?

03:38PM 18 A. Yeah.

03:38PM 19 Q. Okay. At the conclusion of that cruise, when it returns
03:38PM 20 to the United States, did you ultimately get arrested when it
03:38PM 21 returned?

03:38PM 22 A. Yes.

03:38PM 23 Q. Can you just describe briefly for the jury the events
03:38PM 24 kind of leading up to your arrest?

03:38PM 25 A. Yes. It was the last night of the cruise, we had to be

03:38PM 1 off the ship at like 7, and I was a drunken mess. I had been
03:38PM 2 up all week, you know what I mean, partying, cocaine or
03:38PM 3 whatever. So, I was an asshole. You know, I was like
03:38PM 4 smacking pizza on the side of the walls, throwing beer
03:39PM 5 bottles down the hallways, smoking blunts.

03:39PM 6 I remember looking at the clock, when I laid down it
03:39PM 7 said, like, 5:30 or 6:30 in the morning, and I knew I had to
03:39PM 8 be off the ship by like 7. And then it wasn't even that -- I
03:39PM 9 fell asleep, but -- and I woke up to a dog barking in my face
03:39PM 10 and the room filled with customs agents. I thought I was
03:39PM 11 getting arrested for just being a dumb ass on the cruise.
03:39PM 12 So, I was, like, talking crazy to them. You know what I
03:39PM 13 mean?

03:39PM 14 Q. Were you saying nasty things to them when they were
03:39PM 15 arresting you?

03:39PM 16 A. Yeah.

03:39PM 17 Q. Okay. Did you think that the arrest was related to your
03:39PM 18 conduct and behavior on the cruise?

03:39PM 19 A. Yes.

03:39PM 20 Q. Did you know that it was about your drug dealing and
03:39PM 21 weapons possession?

03:39PM 22 A. No.

03:39PM 23 Q. Okay. Did there come a time when you learned that it
03:39PM 24 wasn't about your behavior on the cruise?

03:39PM 25 A. Yeah. So, customs, they took me into customs, put me in

03:39PM 1 the room, took off the cuffs or whatever. And I'm sitting
03:39PM 2 there, and in come this chick and this guy, and they're,
03:39PM 3 like, we're Special Agent So-and-So from Homeland Security,
03:39PM 4 and they start talking.

03:39PM 5 But I'm drunk. And I don't know how much time went by,
03:40PM 6 you know, 30, 45 seconds, before it clicked in my head, like,
03:40PM 7 dude, why -- how are you talking to Homeland Security?

03:40PM 8 So, that's what I asked them. Why am I talking to
03:40PM 9 Homeland Security?

03:40PM 10 And Marilyn looked me in the eyes, and she said, well,
03:40PM 11 Noodle, guns and drugs don't mix.

03:40PM 12 And as soon as she used my nickname, I knew I was
03:40PM 13 screwed.

03:40PM 14 Q. Okay. Noodle was your nickname?

03:40PM 15 A. Yes.

03:40PM 16 Q. Okay. Was it Marilyn Halliday that told you guns and
03:40PM 17 drugs don't mix?

03:40PM 18 A. Yes.

03:40PM 19 Q. Were you charged federally at that point?

03:40PM 20 A. Yes.

03:40PM 21 Q. I want to go back to the contents of the safe for one
03:40PM 22 second. In addition to the cocaine and the cash, you had
03:40PM 23 mentioned there was some jewelry in the safe; is that
03:40PM 24 correct?

03:40PM 25 A. Yeah.

03:40PM 1 Q. What was your plan to do with jewelry that was in the
03:40PM 2 safe?

03:40PM 3 A. Throw it out.

03:40PM 4 Q. Why would you throw out jewelry?

03:40PM 5 A. 'Cuz that's how people get caught, is trying to sell
03:40PM 6 jewelry.

03:40PM 7 Q. Okay.

03:40PM 8 A. And a ring in there I knew had significant value.

03:40PM 9 Q. Okay. So let's talk about first the jewelry. Your plan
03:40PM 10 was to throw it out to avoid getting caught. Did Rowles
03:40PM 11 abide by your plan?

03:41PM 12 A. No.

03:41PM 13 Q. Do you know if he kept some of the jewelry?

03:41PM 14 A. Yeah, he kept the ring.

03:41PM 15 Q. Okay. What is this ring? Tell me about that.

03:41PM 16 A. It was, I always mess the dude's name up, but it was a
03:41PM 17 friend of Sinatra's grandfather was given the ring. He used
03:41PM 18 to be the mob boss in Buffalo, Stefano Magaddino, that's
03:41PM 19 whose ring it was. I don't know his name, I mess it up every
03:41PM 20 time.

03:41PM 21 Q. Did you understand the ring to have belonged to a former
03:41PM 22 person involved in Italian Organized Crime?

03:41PM 23 A. Yes.

03:41PM 24 Q. Did you think keeping the ring was a good idea?

03:41PM 25 A. No.

03:41PM 1 Q. Did Rowles get captured in some pictures with the ring
03:41PM 2 on, if you know?

03:41PM 3 A. Yes.

03:41PM 4 Q. On social media?

03:41PM 5 A. Yes.

03:41PM 6 Q. Was that a good idea?

03:41PM 7 A. No.

03:41PM 8 Q. Next, John, I want to talk with you about your patronage
03:41PM 9 of strip clubs. You mentioned that you weren't allowed at
03:41PM 10 Pharaoh's at the time that you stole all this money in 2018;
03:42PM 11 is that correct?

03:42PM 12 A. Yes.

03:42PM 13 Q. Okay. Have you been to Pharaoh's before?

03:42PM 14 A. Absolutely.

03:42PM 15 Q. Once or more than once?

03:42PM 16 A. More than once.

03:42PM 17 Q. Okay. Can you estimate for the jury how many times
03:42PM 18 you've been to Pharaoh's?

03:42PM 19 A. It's uncountable.

03:42PM 20 Q. Okay. Have you used cocaine at Pharaoh's?

03:42PM 21 A. Yes.

03:42PM 22 Q. Does that happen every time you're there?

03:42PM 23 A. Yep.

03:42PM 24 Q. Have you sold cocaine at Pharaoh's?

03:42PM 25 A. Yes.

03:42PM 1 Q. Did you do that frequently?

03:42PM 2 A. Yes.

03:42PM 3 Q. Do you know other people who sold cocaine at Pharaoh's?

03:42PM 4 A. That's all Pharaoh's was, was a place to do and sell
03:42PM 5 drugs.

03:42PM 6 Q. Okay. Do you know a person named Jessica Leyland?

03:42PM 7 A. Yes.

03:42PM 8 Q. Do you know her alias?

03:42PM 9 A. Charm.

03:42PM 10 Q. Okay. Did you know her to sell cocaine?

03:42PM 11 A. Everybody knew.

03:42PM 12 Q. Excuse me?

03:42PM 13 A. Everybody knows.

03:42PM 14 Q. Okay. Do you know?

03:42PM 15 A. Yes.

03:42PM 16 Q. Did there come a time when you were informed that you
03:42PM 17 were no longer welcome at Pharaoh's?

03:42PM 18 A. Yes.

03:42PM 19 Q. Okay. What was the reason you were informed that you
03:42PM 20 were no longer welcome at Pharaoh's?

03:42PM 21 **MR. MacKAY:** Objection.

03:42PM 22 **MR. COOPER:** I'll withdraw that question, Judge.

03:42PM 23 **BY MR. COOPER:**

03:43PM 24 Q. When you used cocaine at Pharaoh's, did you do it in top
03:43PM 25 secret fashion?

03:43PM 1 A. Not at all.

03:43PM 2 Q. What do you mean by that?

03:43PM 3 A. I'd just dump it on my fingers like I'm sitting right
03:43PM 4 here.

03:43PM 5 Q. Like, while you're out in the area with the patrons?

03:43PM 6 A. Yeah. Yeah.

03:43PM 7 Q. Did you go hide in the bathroom to do it?

03:43PM 8 A. No.

03:43PM 9 Q. Did you know other people who used it openly at
03:43PM 10 Pharaoh's?

03:43PM 11 A. Yeah.

03:43PM 12 Q. Were you mostly a nighttime guy there at Pharaoh's?

03:43PM 13 A. Yes.

03:43PM 14 **MR. COOPER:** May I just have one moment, Judge?

03:43PM 15 **THE COURT:** Sure.

03:43PM 16 **MR. COOPER:** Thank you.

03:44PM 17 **BY MR. COOPER:**

03:44PM 18 Q. Without getting into the exact words that were stated,
03:44PM 19 did you form a belief, just yes or no, did you form a belief
03:44PM 20 about why you were no longer allowed at Pharaoh's?

03:44PM 21 A. Yes.

03:44PM 22 Q. Was it related to how you behaved while you were in
03:44PM 23 there?

03:44PM 24 A. Absolutely.

03:44PM 25 Q. Okay. Just to be clear, was it because you were using

03:44PM 1 drugs there?

03:44PM 2 A. Yes.

03:44PM 3 Q. Okay.

03:44PM 4 A. One of the reasons.

03:44PM 5 Q. Okay. What are the reasons that you understood that you
03:44PM 6 were no longer allowed at Pharaoh's?

03:44PM 7 A. They said I act like I own the place.

03:44PM 8 Q. Okay. And that's all they said to you?

03:44PM 9 A. Yes.

03:44PM 10 Q. You act like you own the place?

03:44PM 11 A. Um-hum.

03:44PM 12 Q. Is it fair to say that's how you acted when you were on
03:44PM 13 the cruise going to Belize?

03:44PM 14 A. Yes.

03:44PM 15 **MR. COOPER:** Okay. I have no further direct, Judge.
03:44PM 16 Thank you.

03:44PM 17 **THE COURT:** Mr. MacKay.

03:44PM 18

03:44PM 19 **CROSS-EXAMINATION BY MR. MacKAY:**

03:44PM 20 Q. Good afternoon, Mr. McDonald.

03:44PM 21 A. Good afternoon.

03:45PM 22 Q. You so eloquently told us, it sounds like you had an
03:45PM 23 interesting start to calendar year 2019; is that fair to say?

03:45PM 24 A. Well, yeah, it started interesting, ended horrible.

03:45PM 25 Q. All right. So you told us a little bit about Michael

03:45PM 1 Sinatra, correct?

03:45PM 2 A. Yes.

03:45PM 3 Q. You don't like him at all, do you?

03:45PM 4 A. No.

03:45PM 5 Q. Okay. You find him to be kind of loud?

03:45PM 6 A. Yes.

03:45PM 7 Q. Brags a lot?

03:45PM 8 A. Absolutely.

03:45PM 9 Q. Is he kind of a bully?

03:45PM 10 A. If -- yes, if you let him.

03:45PM 11 Q. Okay. And you've had significant longtime dealings with

03:45PM 12 him, correct?

03:45PM 13 A. Correct.

03:45PM 14 Q. And you never heard him brag about law enforcement

03:45PM 15 protecting him, did you?

03:45PM 16 A. No.

03:45PM 17 Q. Okay. I just got up now from a table, there's a

03:45PM 18 gentleman seated next to me, striped blue and red tie. Do

03:45PM 19 you see him?

03:45PM 20 A. Yes.

03:45PM 21 Q. You've never seen that person before in your life?

03:45PM 22 A. Never.

03:45PM 23 Q. Okay. You don't know who Joseph Bongiovanni is as you

03:45PM 24 sit here today, correct?

03:45PM 25 A. No, just in the newspaper.

03:46PM 1 Q. Okay. You never saw him at your Lewiston home when you
03:46PM 2 fled as a result of the raid, correct?

03:46PM 3 A. No.

03:46PM 4 Q. Okay. And when you broke into Michael Sinatra's safe, I
03:46PM 5 think you told us you saw a lot of cash in there, correct?

03:46PM 6 A. Correct.

03:46PM 7 Q. That wasn't rubber-banded cash though, was it?

03:46PM 8 A. It was in bank envelopes labeled.

03:46PM 9 Q. Okay. It was labeled bank envelopes.

03:46PM 10 You told us a little bit about Pharaoh's Gentlemen's
03:46PM 11 Club, how you've been there on -- I think you said
03:46PM 12 uncountable occasions, correct?

03:46PM 13 A. Correct.

03:46PM 14 Q. You've been to other strip clubs in the area?

03:46PM 15 A. Yes.

03:46PM 16 Q. Lots of them?

03:46PM 17 A. There's only four now, so --

03:46PM 18 Q. I couldn't hear your answer.

03:46PM 19 A. There's only four, so it's not lots.

03:46PM 20 Q. I'm going to take that to mean you've been to all four?

03:46PM 21 A. Yes.

03:46PM 22 Q. Been to all four a lot of times?

03:46PM 23 A. Yes.

03:46PM 24 Q. You described drug use at Pharaoh's; do you remember
03:46PM 25 that?

03:46PM 1 A. Yes.

03:46PM 2 Q. Is it fair to say that that sort of activity occurs at
03:46PM 3 the other strip clubs, as well?

03:46PM 4 A. Absolutely.

03:46PM 5 Q. To the same degree?

03:46PM 6 A. Yes. Yes and no. Depends on which one. Some of them
03:47PM 7 are stricter than others. But Pharaoh's was pretty loose.

03:47PM 8 Q. Okay. But were there others that were pretty loose, as
03:47PM 9 well, too?

03:47PM 10 A. Yes.

03:47PM 11 **MR. MacKAY:** Thank you very much, Mr. McDonald. I
03:47PM 12 have no further questions.

03:47PM 13 **THE COURT:** Any redirect?

03:47PM 14 **MR. COOPER:** Just one second, Judge, please.

03:47PM 15 No redirect, thank you, Judge.

03:47PM 16 **THE COURT:** You can step down, sir, thank you.

03:47PM 17 (Witness excused at 3:47 p.m.)

18 (Excerpt concluded at 3:47 p.m.)

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CERTIFICATE OF REPORTER

In accordance with 28, U.S.C., 753(b), I
certify that these original notes are a true and correct
record of proceedings in the United States District Court for
the Western District of New York on March 7, 2024.

s/ Ann M. Sawyer

Ann M. Sawyer, FCRR, RPR, CRR

Official Court Reporter

U.S.D.C., W.D.N.Y.

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J O H N M c D O N A L D

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